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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DOUGLAS HENRY THORNTON,	:	
Plaintiff	:	No. 1:CV-00-1590
	:	
v.	:	(Kane, J.)
	:	
MR. LINDSEY, Associate Warden, et al.,	:	
Defendants	:	Filed Electronically

DEFENDANTS' MOTION TO DISMISS AND FOR SUMMARY JUDGMENT

Defendants ask this Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b) and to enter summary judgment in their favor pursuant to Fed. R. Civ. P. 56(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

s/ Stephen R. Cerutti
STEPHEN R. CERUTTI
Assistant U.S. Attorney
Atty. I.D. No. 90744
MICHELE E. LINCALIS
Paralegal Specialist
316 Federal Building
240 West Third Street
Williamsport, PA 17701
Phone: 717-221-4482
Fax: 717-221-2246

Dated: December 2, 2003

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DOUGLAS HENRY THORNTON,	:	
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on December 2, 2003, she served a copy of the attached

DEFENDANTS' MOTION TO DISMISS AND FOR SUMMARY JUDGMENT

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Douglas Henry Thornton
1014 David Hill Avenue
Baltimore, MD 21213

s/ Michele E. Lincalis
MICHELE E. LINCALIS
Paralegal Specialist